

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF APRIL 29, 2011

(Published May 7, 2011, in *Finance and Commerce*)

Council Chamber

Room 317 City Hall

350 South 5th Street

Minneapolis, Minnesota

April 29, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, President Johnson.

Lilligren moved to approve the agenda. Seconded.

Lilligren moved to amend the agenda to include under "Resolutions" a resolution in honor of Public Service Recognition Week, 2011. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted 4/29/2011.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of April 15, 2011. Seconded.

Adopted upon a voice vote 4/29/2011.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 4/29/2011.

## PETITIONS AND COMMUNICATIONS

### AUDIT:

AUDIT (274896)

Minneapolis Police Department: Internal Audit Report on MPD-Scheduling & Time Reporting.

### CLAIMS:

RISK MANAGEMENT (274897)

Claims: Tort Claims Summary Report.

### CLAIMS (See Rep):

RISK MANAGEMENT (274898)

Claims: Appeals of decision of Staff Claims Committee.

**COMMITTEE OF THE WHOLE:**

INTERGOVERNMENTAL RELATIONS (274899)  
State and Federal Written Update  
NEIGHBORHOOD AND COMMUNITY RELATIONS (274900)  
Receive and file 2010 Minneapolis Resident Survey Report

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274901)  
Minneapolis Neighborhood Stabilization Program 3: Approval of eligible developers.  
Second Street Holdings, LLC (re 520 2nd St SE): Project analysis authorization.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274902)  
Community Planning and Economic Development 2010-2014 Business Plan.  
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274903)  
Environmental Remediation Grant Applications, Spring 2011 Grant Round.  
PURCHASING (274904)  
Bids:  
Demolition of seven structures (OP No. 7406): Low bid of A.M.E. North, Inc dba All Metro  
Excavating;  
Grain Belt Office Drainage System (OP No. 7434): Responsive bid of Northland Mechanical  
Contractors, Inc.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:**

POLICE DEPARTMENT (274905)  
2011 Shift Lieutenant Pilot Project: Report.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):**

POLICE DEPARTMENT (274906)  
Police Confidentiality and Non-Disclosure Agreement: Authorize use non-standard agreement  
between the City and the company Information Builders for the purpose of limiting the use of information  
provided to the company for display of Police Department information through the company's  
technology "Webfocus".

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):**

FINANCE DEPARTMENT (274907)  
Police Forensic Laboratory Capital Project: Cancel Forensic Laboratory project; and reallocate  
\$100,000 to Facilities - Repair and Improvement Program; and Amend the 2008 and 2009 capital  
resolutions.  
POLICE DEPARTMENT (274908)  
Community Justice Program: Authorize pay \$10,000 to Greater Minneapolis Council of Churches  
in support of the program for 2011.  
Minnesota Internet Crimes Against Children Task Force: Execute Multi-Agency Law Enforcement  
Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension to participate on a Task  
Force to investigate internet crimes against children.  
Minnesota Internet Crimes Against Children Program: Accept \$5,000 from the Minnesota Bureau  
of Criminal Apprehension, and execute contract, to provide funds to reimburse travel and subsistence

expenses for staff participating on the Internet Crimes Against Children Task Force; and Approve appropriation.

**REGULATORY SERVICES (274909)**

Port Security Grant: Execute grant agreement with United States Department of Homeland Security to accept \$464,851 for first responder training; and Approve appropriation.

**REGULATORY, ENERGY AND ENVIRONMENT:**

**COORDINATOR (274910)**

2011 Tree Canopy Mapping Project: Report.

2011 GreenPrint: Sustainability Report.

**MINNEAPOLIS TREE ADVISORY COMMISSION (274911)**

2011 Annual Report.

**REGULATORY, ENERGY AND ENVIRONMENT (See Rep):**

**LICENSES AND CONSUMER SERVICES (274912)**

400 Sound Bar (400 3rd Av N): Approve Business License Operating Conditions relating to On-Sale Liquor Class A with Sunday Sales License.

Amore Victoria (1601 W Lake St): Approve Business License Operating Conditions relating On-Sale Liquor Class E with Sunday Sales Licenses.

Chicago Food & Deli (2500 Chicago Av): Approve Business License Operating Conditions relating to Grocery License.

Infinity Smokes (814 Hennepin Av S): Approve Business License Operating Condition relating to Tobacco Dealer License.

**LICENSES AND CONSUMER SERVICES (274913)**

Crave (825 Hennepin Av): Grant permission to operate an outdoor rooftop patio to be used in conjunction with its On-Sale Liquor Class B License.

Peace Coffee (3262 Minnehaha Av): Grant Sidewalk Cafe License.

Stadium Pizza (207 Washington Av N): Grant Sidewalk Cafe License.

**LICENSES AND CONSUMER SERVICES (274914)**

Licenses: Applications.

**REGULATORY SERVICES (274915)**

Rental Dwelling License at 1424 Fremont Av N: Revoke license held by David R. Busch and DRB #24, LLC.

**REGULATORY SERVICES (274916)**

Rental Dwelling License at 3622 Humboldt Av N: Revoke license held by Ronald Folger.

**REGULATORY SERVICES (274917)**

Rental Dwelling License at 3822 Lyndale Av N: Revoke license held by Leana & Tyrone Reese.

**REGULATORY SERVICES (274918)**

Rental Licensing: Ordinance adding provisions for revocation notices to be sent to the property owner and their representative; requiring rental license applicants to have no unpaid fines or fees owed to the City of Minneapolis and prohibiting those person(s) who have had an interest in a license revoked from holding a new rental dwelling license for three years; and for revocation notices to be sent to the property owner and their representative and that a second occurrence of failure to meet licensing standards shall not require a notice of non-compliance be sent.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (274919)**

America's Transportation Award for Innovative Management: Accept award.

National Pollutant Discharge Elimination System (NPDES) Municipal Separate Stormwater Sewer (MS4) Permit: New permit requirements.

Traffic Zones, Restrictions, and Controls: 1st Quarter 2011 report.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (274920)

Traffic Signal Control System Project: Contract amendment with Egan Company.

Railroad Safety Project: Agreements with State of Minnesota and Soo Line Railroad Company (d/b/a Canadian Pacific Railway).

49th Ave N Street Resurfacing Project No 5218: Project designation.

25th Ave SE (4th St SE to Cul-de-Sac/Proposed Granary Rd) Street Construction, Sanitary Sewer, and Water Main Project No 6734: Project designation.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (274921)

Bid: OP 7412, Low bid of Martin Marietta Materials for gray/black class A aggregate.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (274922)

Legal Settlements: a) Collins Electrical Systems v. City of Minneapolis, et al.; and b) Thomas Lyons v. Monica Boelter, Lance Faust, Christopher Guelcher, and City of Minneapolis.

Lockridge, Grindal, Nauen, P.L.L.P.: Amend Master Legal Services Agreement.

BUSINESS INFORMATION SERVICES (BIS) (274923)

Electronic Geographically Digitized Proprietary Database (EPDB): No cost 5-year license agreement with Hennepin County.

COORDINATOR (274924)

IBM First-of-a-Kind (FOAK) Grant: Accept \$1.5 million grant from IBM; 10% City match.

FINANCE DEPARTMENT (274925)

Uncollectible Receivables: Authorize list of 14 unpaid invoices to be written off as bad debt.

Gift Acceptance from 3rd Quarter 2010 through 1st Quarter 2011.

REGULATORY SERVICES (274926)

Nuisance Abatement Revolving Fund Balance: Approve list of appropriations.

**ZONING AND PLANNING (See Rep):**

HERITAGE PRESERVATION COMMISSION (274927)

Local Historic Landmark Designation:

Samuel J Hewson House (2008 Pillsbury Ave)

Charles B Lyon House (425 Oak Grove St)

INSPECTIONS/BOARD OF ADJUSTMENT (274928)

Appeal:

Cynthia Deslauriers, 3747 Minnehaha Ave

PLANNING COMMISSION/DEPARTMENT (274929)

Rezoning:

Saint Mary's University (2540 Park Ave)

Saint Mary's University (2501 and 2505 Portland Ave S)

**FILED:**

CITY CLERK (274930)

Vacant Building Registration Fee Ordinances: Transcripts of City Council deliberations from 2008 which enacted the \$6,000 VBR fee.

METRO TRANSIT (274931)

Vacate all of 36th Ave South lying South of the South right of way line of 45th St East and lying North of the North right of way line of 46th St East.

*The following reports were signed by Mayor Rybak on May 5, 2011, **unless noted otherwise.** Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

## REPORTS OF STANDING COMMITTEES

### **The CLAIMS Committee submitted the following reports:**

**Claims** - Your Committee, having under consideration the appeal filed by Sharon Blair, 401 1st St S, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$138.00 relating to vehicle towing, now recommends that said appeal be denied.

Adopted 4/29/2011.

**Claims** - Your Committee, having under consideration the appeal filed by Teresa Graham, 4837 Ewing Ave S, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$930.00 relating to property damage, now recommends that said appeal be denied.

Adopted 4/29/2011.

**Claims** - Your Committee, having under consideration the appeal filed by Lavonne Grannes, 5015 Eagle Creek, Shakopee, from the decision of the Staff Claims Committee denying a claim in the amount of \$551.58 relating to property damage, now recommends that said appeal be denied.

Adopted 4/29/2011.

**Claims** - Your Committee, having under consideration the appeal filed by Vincent Kunicki, 1206 2nd St NE, Minneapolis, from the decision of the Staff Claims Committee denying a claim in the amount of \$138.00 relating to vehicle towing, now recommends that said appeal be denied.

Adopted 4/29/2011.

**Claims** - Your Committee, having under consideration the appeal filed by Elizabeth Summa, 51745 Saddle Ridge Ln S, Granger, Indiana, from the decision of the Staff Claims Committee denying a claim in the amount of \$156.00 relating to vehicle towing, now recommends that said appeal be denied.

Adopted 4/29/2011.

### **The COMMITTEE OF THE WHOLE submitted the following report:**

**Committee of the Whole** - Your Committee recommends that the City's agenda for the 2011 Legislative Session, adopted December 10, 2010, as amended, be further amended to add the following language:

#### **"Local Control:**

Minneapolis opposes any legislation that usurps local authority or control and opposes any legislation that attempts to regulate a local issue or affect a local land use matter without the express consent of the city or an appropriate local approval clause."

Adopted 4/29/2011.

### **The COMMUNITY DEVELOPMENT Committee submitted the following reports:**

**Comm Dev** - Your Committee, having under consideration receipt of Minneapolis Neighborhood Stabilization Program 3 (NSP3) funds and contracting for NSP3, now recommends:

a) Approval of all NSP1 and NSP2 developers as eligible to participate in NSP3;

b) That the proper City officers be authorized to enter into related agreements with the approved NSP3 developers; and

c) That the Department of Community Planning & Economic Development Director be authorized to make changes to the awards and funding, if necessitated by refinements made to NSP3 to meet Department of Housing & Urban Development, Minnesota Housing Finance Agency or programmatic requirements.

Adopted 4/29/2011.

**Comm Dev** - Your Committee, having under consideration the 520 Second Street SE Project, a proposed housing development by Second Street Holdings, LLC consisting of 91 rental apartments along with underground parking, now recommends that the proper City officers be authorized to continue analysis of said project proposal to determine if tax increment financing (TIF) assistance is appropriate and justifiable.

Further, if analysis concludes that TIF assistance is appropriate, that staff be authorized to negotiate the terms and conditions of a redevelopment contract with Second Street Holdings, LLC or an affiliated entity and prepare redevelopment and TIF plans for the project as needed. All such terms and conditions, plans, and other provisions would be subject to City Council review, discussion, and approval or denial.

Adopted 4/29/2011.

**Comm Dev** - Your Committee, having under consideration the Great Streets Neighborhood Business District Program, now recommends that Department of Community Planning & Economic Development (CPED) staff be authorized to negotiate contracts for business district support activities, consistent with the recommendations contained in the CPED report and amended as follows:

<b>Proposer</b>	<b>Amount Recommended</b>
Catalyst Community Partners	\$45,000
East Gateway Partnership	\$34,320
Harrison Neighborhood Association	\$29,500
Hennepin Theater Trust	\$50,000
Lake Street Council	\$30,000
Latino Economic Development Center	\$46,750
Longfellow Community Council	\$25,645
Lowry Ave North Collaborative	\$30,588
NEON	\$35,000
Nicollet East Harriet Business Association	\$15,250
Seward Redesign	\$42,245
University Area Business Associations (collaborative)	\$30,000
Uptown Association	\$9,025
West Bank Business Association	\$30,000
West Broadway Coalition	\$46,550

Adopted 4/29/2011.

**The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7406 from A.M.E. North, Inc, dba All Metro Excavating, in the amount of \$96,470.00, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition and site clearance of the following seven structures as per the bid specifications: 3319 Fremont Ave N, 3251 - 6th St N, 3858 Sheridan Ave N, 1317 Sheridan Ave N, 2031 James Ave N, 3226 Dupont Ave N and 3126 Thomas Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 4/29/2011.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the responsive bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7434 from Northland Mechanical Contractors, Inc, in the amount of \$83,920.00, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the Grain Belt Office interior/exterior drainage system as per the bid specifications.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 4/29/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration recommendations for submission of environmental remediation grant applications for Spring, 2011, now recommends that the proper City officers be authorized to apply to the following agencies for projects listed, and passage of the accompanying resolutions authorizing appropriate City staff to submit said applications:

***Minnesota Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program Requests:***

1. 14th Avenue Cul-de-sac Project
2. Ford Centre
3. Marshall Street Boat Basin
4. Mill & Main (Phase One)
5. MWMO Building
6. MoZaic
7. Oak Street Flats
8. Precision Associates Building
9. University Gateway

***Metropolitan Council Tax Base Revitalization Account Grant Program Requests:***

1. 2644 Minnehaha
2. AppleWood Pointe
3. Lehmann Center [former]
4. Marshall Street Boat Basin
5. Mill & Main (Phase One)
6. Oak Street Flats
7. Precision Associates Building
8. University Gateway

***Hennepin County Environmental Response Fund (ERF) Grant Requests:***

1. 2644 Minnehaha
2. Cameron Building
3. Lehmann Center [former]
4. Mill & Main (Phase One)
5. MWMO Building
6. Oak Street Flats
7. Precision Associates Building
8. University Gateway

Adopted 4/29/2011.

Resolution 2011R-196, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program for the 14th Avenue Cul-de-sac, Ford Centre, Marshall Street Boat Basin, Mill & Main (Phase One), MWMO Building, MoZaic, Oak Street Flats, Precisions Associates Building and University Gateway projects, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.



APRIL 29, 2011

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The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-196**  
**By Goodman and Hodges**

**Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in contamination cleanup and/or investigation applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by May 2, 2011, subject to final staff verification of each such application's compliance with the DEED grant program's purposes and criteria: 14th Avenue Cul-de-sac Project, Ford Centre, Marshall Street Boat Basin, Mill & Main (Phase One), MWMO Building, MoZaic, Oak Street Flats, Precisions Associates Building, and University Gateway; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate City staff to apply to the Department of Employment and Economic Development for Contamination Cleanup and/or Investigation Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement any grants that may be awarded.

Adopted 4/29/2011.

Resolution 2011R-197, authorizing application to the Metropolitan Council Tax Base Revitalization Account for the 2644 Minnehaha, AppleWood Pointe, Lehmann Center [former], Marshall Street Boat Basin, Mill & Main (Phase One), Oak Street Flats, Precision Associates Building and University Gateway projects, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-197**  
**By Goodman and Hodges**

**Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.**

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following investigation and/or clean-up projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: 2644 Minnehaha, AppleWood Pointe, Lehmann Center [former], Marshall Street Boat Basin, Mill & Main (Phase One), Oak Street Flats, Precision Associates Building, and University Gateway; and,



Whereas, the City intends to act as the legal sponsor for the above-referenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by May 2, 2011, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

Whereas, the City finds that the contamination investigation and/or cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for investigation and/or for cleanup completion;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate City staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects. The City acknowledges that for each grant awarded to the City, the City will be the grantee and will act as legal sponsor, and will administer and be responsible for grant funds expended for the project referred to in the applicable grant application.

Adopted 4/29/2011.

Resolution 2011R-198, authorizing application to the Hennepin County Environmental Response Fund for the 2644 Minnehaha, Cameron Building, Lehmann Center [former], Mill & Main (Phase One), MWMO Building, Oak Street Flats, Precision Associates Building and University Gateway projects, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-198**  
**By Goodman and Hodges**

**Authorizing application to the Hennepin County Environmental Response Fund for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in Environmental Response Fund applications to be submitted to Hennepin County on or by May 2, 2011, subject to final staff verification of each such application's compliance with the ERF program's purposes and criteria: 2644 Minnehaha, Cameron Building, Lehmann Center [former], Mill & Main (Phase One), MWMO Building, Oak Street Flats, Precision Associates Building, and University Gateway; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate City staff to apply to the Hennepin County Environmental Response

Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement any grant funding that may be awarded.

Adopted 4/29/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the 2010-14 Department of Community Planning & Economic Development Business Plan (CPED), in accordance with the report on file in the Office of the City Clerk, with the following related staff directions:

a) CPED to work with Finance and Public Works to propose amendments to the capital budget process to focus scarce development resources in areas that are most likely to result in job and tax base growth – especially along transit corridors;

b) CPED to work with Finance and the City Assessor to develop options for structuring a “*Growth Fund*” for consideration as part of the 2012 budget;

c) CPED to assist the Department of Intergovernmental Relations in supporting efforts to secure Tax Increment Financing (TIF) Transit-Oriented Development legislation; CPED to prepare amendments to the City’s existing TIF policy to clarify city intent regarding use of TIF for infrastructure, transit corridors, and job creation for consideration by the Mayor and City Council; and

d) CPED to engage McKinsey for a follow-up organizational assessment as described in the business plan, with a report back in time for consideration as part of the 2012 budget process;

now recommends:

**Comm Dev** - Approval of the Business Plan and related directions to staff.

**W&M/Budget** - Approval of the Business Plan and related directions to staff, with referral of approval of the CPED Finance Resource Plan 2010-2015 to the 2012 Budget Process.

Further, that staff be directed as follows:

1) Provide the dollar value of and savings provided to CPED’s budget by each strategy listed on pages 8 and 9 of the CPED Business Plan;

2) Given the following assumptions, provide a priority-ordered, numerical proposed list of which strategies on pages 8 and 9 of the CPED Business Plan should be implemented from first to last.

\*Assume no additional revenue for CPED;

\*Assume no changes to the deficit workout plan;

\*Assume no changes to the CPED’s participation in the City’s allocation models;

3) Provide a five year review and three year projection of CPED internal overhead costs, including the percent of service level reductions in the last three years that have been changes to costs driven by the allocation model, and the percent of service level reductions in the last three years that have been reductions to CPED internal overhead;

4) Report back to the Ways and Means/Budget Committee no later than June 30, 2011.

Goodman moved to delete the Community Development Committee recommendation and to approve the Ways & Means/Budget Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/29/2011.

**The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following report:**

**PSC&H** - Your Committee recommends that the proper City officers be authorized to use a non-standard agreement between the City of Minneapolis and the company Information Builders for the purpose of limiting the use of information provided to the company for display of Police Department information inside of Information Builders technology “Webfocus”. The display of information would be on Police Department computing resources to Police Department personnel only for determination of the value of business intelligence tools and concepts in meeting Police Department goals and objectives.

Adopted 4/29/2011.

**The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers of the Police Department be authorized to pay \$10,000 to the Greater Minneapolis Council of Churches in support of the Community Justice Program for 2011.

Adopted 4/29/2011.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a Multi-Agency Law Enforcement Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension to participate on an Internet Crimes Against Children Task Force to investigate internet crimes against children. Further, that the proper officers be authorized to execute any contracts associated with the Task Force.

Adopted 4/29/2011.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$5,000 from the Minnesota Bureau of Criminal Apprehension, and execute a contract, to provide funds to reimburse travel and subsistence expenses receiving prior approval for staff participating on the Internet Crimes Against Children Task Force. Further, passage of the accompanying resolution appropriating \$5,000 to the Police Department.

Adopted 4/29/2011.

**RESOLUTION 2011R-199  
By Samuels and Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4003300) by \$5,000 and increasing the Revenue Estimate (01300-4003300-321010) by \$5,000.

Adopted 4/29/2011.

**PSC&H & W&M/Budget** - Your Committee, having under consideration the Police Department Forensic Laboratory Capital Project, now recommends the following:

a) that MPD01 (MPD Forensic Laboratory) capital project be cancelled, and that \$100,000 be reallocated to 2009 capital funding for the PSD01 (Facilities - Repair and Improvement) capital program.

b) passage of the accompanying resolution amending Resolution 2009R-092 to decrease the appropriation for the Forensic Laboratory Project by \$100,000 and increasing the Facilities - Repair and Improvement Project by \$100,000.

c) passage of the accompanying resolution amending Resolution 2008R-547 by deleting the Forensic Laboratory Project and increasing the allocation to the Facilities - Repair and Improvement Project by \$100,000 for a revised total of \$1,000,000.

Adopted 4/29/2011.

**RESOLUTION 2011R-200  
By Samuels and Hodges**

**Amending Resolution 2009R-092 entitled “amending the 2009 - 2013 Five Year Capital Program and fixing the maximum amounts for 2009 to be expended by the various funds under the jurisdiction of the City Council”, passed March 12, 2009.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended, as follows:

a) That the appropriation for MPD01 (Forensic Laboratory) (04100-9010923-MPD01) be decreased by \$100,000.

~~MPD01 MPD Forensic Laboratory 100 Net Debt Bonds~~

b) That the appropriation for PSD01 (Facilities - Repair and Improvement) (04100-9010923-PSD01) be increased by \$100,000.

~~PSD01 Facilities – Repair & Improvements (PS901) 900 1,000~~ Net Debt Bonds

Adopted 4/29/2011.

**RESOLUTION 2011R-201**

**By Samuels and Hodges**

**Amending Resolution 2008R-547 entitled “requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$15,850,000 for certain purposes other than the purchase of public utilities”, passed December 11, 2008.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended, as follows:

a) That project MPD01 (Forensic Laboratory) be deleted.

~~MPD01 MPD Forensic Laboratory 100,000~~

b) That the allocation for PSD01 (Facilities - Repair and Improvement) be increased by \$100,000 for a revised total of \$1,000,000.

~~PSD01 Facilities – Repair & Improvements (PS901) 900,000~~ 1,000,000

Adopted 4/29/2011.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the United States Department of Homeland Security to provide a Port Security Grant, in the amount of \$464,851, to the City of Minneapolis for first responder training. Further, passage of the accompanying resolution appropriating \$464,851 to the Department of Regulatory Services.

Adopted 4/29/2011.

**RESOLUTION 2011R-202**

**By Samuels and Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$464,851 and increasing the Revenue Estimate for the Department of Regulatory Services (01300-8352000) by \$464,851.

Adopted 4/29/2011.

**The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:**

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, adding provisions for revocation notices to be sent to the property owner and their representative; requiring rental license applicants to have no unpaid fines or fees owed to the City of Minneapolis and prohibiting those person(s) who have had an interest in a license revoked from holding a new rental dwelling license for three years; and for revocation notices to be sent to the property owner and their representative and

that a second occurrence of failure to meet licensing standards shall not require a notice of non-compliance be sent, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/29/2011.

Ordinance 2011-Or-044 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Sections 244.1910, 244.1930, and 244.1940 to add provisions for revocation notices to be sent to the property owner and their representative; requiring rental license applicants to have no unpaid fines or fees owed to the City of Minneapolis and prohibiting those person(s) who have had an interest in a license revoked from holding a new rental dwelling license for three years; and for revocation notices to be sent to the property owner and their representative and that a second occurrence of failure to meet licensing standards shall not require a notice of non-compliance be sent, was adopted 4/29/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2011-Or-044**  
**By Glidden**  
**Intro & 1st Reading: 4/1/2011**  
**Ref to: RE&E**  
**2nd Reading: 4/29/2011**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.1910 of the above-entitled ordinance be amended to read as follows:

**244.1910. Licensing standards.** (a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the zoning code or the housing maintenance code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of the zoning code.
- (5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than three (3) times under either or both sections during a period of twenty-four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920.
- (7) The licensee or applicant shall have paid the required reinspection fees.
- (8) The licensee or his or her agent shall allow the director of inspections and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
- (9) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall



- inform the director of the location at which the register is kept. The register shall be available for review by the director or his or her authorized representatives at all times.
- (10) The licensee shall submit to the director of inspections or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.
- (11) a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.
- b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.
- (12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
- (13) a. Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.
- b. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.
- (14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.
- (15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.
- (16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.
- b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one (1) business-day's notice.
- c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.
- d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.
- e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).



- f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
- g. This subdivision shall become effective December 1, 2004.
- (17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.
- (18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.
- (19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.
- (20) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.
- (21) Any person, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.
- (22) The owner or licensee shall not be in violation of section 225.780, which requires every owner of a building containing two (2) or more dwelling units to provide for recycling services.
- (23) The licensee or applicant shall not have any unpaid fines or fees owing to the City of Minneapolis related to their rental property.

Section 2. That Section 244.1930 of the above-entitled ordinance be amended to read as follows:

**244.1930. Director's determination of noncompliance; notice.** (a) If the director of inspections determines that a building or dwelling unit fails to meet the licensing standards set forth in section 244.1910, or section 244.1920, he or she shall mail a notice to the owner ~~or the owner's agent~~ and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in section 244.1910 or section 244.1920 and shall include a copy of the inspection report if applicable. However, if a building or dwelling unit fails to meet licensing standards 244.1910 (2), (3), (4), (18) or (21), for a second time under the same owner/licensee, a notice of director's determination of noncompliance shall not be required to be sent as the building or dwelling unit may be subject to an action for denial; non-renewal; revocation or suspension pursuant to section 244.1940.

(b) If the rental dwelling fails to meet one (1) or more of the standards set forth in section 244.1910, the notice shall indicate that the license holder or applicant has ten (10) days to correct the defects, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license.

(c) If the rental dwelling fails to meet the standards set forth in Section 244.1920, the notice shall indicate that the license holder or applicant has sixty (60) days to correct the defects causing the building to be substandard, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license. The director may for good cause authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to

health or safety, the director may proceed immediately for denial, nonrenewal, revocation, or suspension under section 244.1940, or may shorten the deadline for compliance to less than sixty (60) days.

(d) Whenever a notice of noncompliance is issued under this section, the director of inspections shall also cause a notice to tenants to be prominently posted on the building. The notice shall indicate that a license proceeding has been commenced against the owner because the building has been found to be in violation of the housing maintenance code; that after a stated period of time allowed to bring the building into compliance, the city council may proceed to deny, revoke, or suspend the rental dwelling license for the building; that if the city council denies, revokes, or suspends the license, tenants may be required to vacate the building; that further information can be obtained from the City of Minneapolis Housing Services Office.

(e) The director of inspections shall send copies of the notice of noncompliance and the notice to tenants to the housing services office.

Section 3. That Section 244.1940 of the above-entitled ordinance be amended to read as follows:

**244.1940. Denial; non-renewal; revocation; suspension.** (a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, or if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910 (2), (3), (4), (18) or (21), for a second time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license. The notice shall state:

- (1) That the director has determined that the building fails to comply with the licensing standards for rental dwellings in section 244.1910 and section 244.1920, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under section 244.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 244.2020(d).
- (2) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
- (3) That the director has referred the matter to the city council with a recommendation to deny, not renew, revoke, or suspend the license or provisional license.
- (4) That the city council will deny, refuse to renew, revoke, or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in section 244.1960.
- (5) That after denial, nonrenewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the city council, (except where an extension of time has been granted by the director of inspections due to weather). Further, no license will be granted by the city council until an approved plan to control conduct on premises has been presented and accepted by the city council if the denial, non-renewal, revocation or suspension was under section 244.2020.
- (6) The notice shall describe how an appeal may be filed under section 244.1960.
- (7) The director shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Minneapolis Housing Services Office.

(b) Lapsed licenses. If a license lapses, or is surrendered, withdrawn, terminated, or otherwise becomes ineffective, the director may proceed, pursuant to subdivision (a), with an action to deny, non-renew, revoke or suspend if the action was commenced prior any lapse, surrender, withdraw, termination or other loss of license.

(c) Any action taken under this section shall be instituted against the rental dwelling license held by the owner(s), licensee and the person designated by the owner as the person responsible for the maintenance and management of the licensed property.

Adopted 4/29/2011.

**RE&E** - Your Committee, having under consideration the application of Crave Restaurant LLC, dba Crave, 825 Hennepin Av, for permission to operate an outdoor rooftop patio to be used in conjunction with its On-Sale Class B Liquor License, and having held a public hearing thereon, now recommends that said application be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/2011.

**RE&E** - Your Committee, having under consideration the application of Peace Coffee, dba Peace Coffee, 3262 Minnehaha Av, for a Sidewalk Cafe License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/2011.

**RE&E** - Your Committee, having under consideration the application of Stadium Pizza and Diner, dba Stadium Pizza, 207 Washington Av N, for a Sidewalk Cafe License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting the application of 400 Sound Bar, 400 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 4/29/2011.

Approved by Mayor Rybak 5/4/2011.

(Published 5/5/2011)

Resolution 2011R-203, approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by 400 Sound Bar, 400 3rd Av N, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-203**

**By Glidden**

**Granting the application of 400 Sound Bar, 400 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Davenport Inc, dba 400 Sound Bar, 400 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire April 1, 2012, subject to the following conditions:

1) The licensee shall notify the 1st Precinct at least one week prior to any event that is scheduled that may draw patron numbers in excess of regular business operations and confirm this with Licenses & Consumer Services through the assigned license inspector.

2) The licensee shall not have any 16 plus events.

3) If the licensee offers any 18 plus events, the licensee will file an amended business plan with the event description and a detailed layout of the establishment showing how the licensee will separate

patrons under the age of 21 from the bar areas and those who are 21 and over. The amended business plan must be approved prior to the date of the event.

4) Dedicated security staff shall be utilized to ensure patrons and others do not loiter near the establishment.

5) Dedicated security staff shall assist in crowd dispersal for at least one half hour after closing of the establishment to prevent loitering.

6) The licensee shall compile, maintain and share with the 1st Precinct a "do not admit" list to prevent the re-occurrence of disturbances by known persons who shall be trespassed and refused service per liquor sales rule Chapter 7515.0590.

7) Staff must require all persons seeking to gain entrance to the establishment to present legitimate identification as a condition of entrance.

8) The manager on duty will be responsible for the confiscation of falsified identification cards and the timely remittance of these cards to the 1st Precinct.

9) The licensee will not distribute hand-bills advertising promotions to anyone walking on City sidewalks or streets/alleys nor place any on parked motor vehicles.

10) The licensee's entertainment offerings will only be those stated in the business plan including aerialists and live bands and will not include any form of adult entertainment.

Adopted 4/29/2011.

Approved by Mayor Rybak 5/4/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales License held by Amore Victoria, 1601 W Lake St.

Further, that Regulatory Services staff, working in conjunction with Zoning staff, be directed to review best practices and develop recommendations for criteria for business license operating conditions for outdoor rooftop dining that address noise abatement options, including screening, and evaluate proximity to residential property as a factor, with a report back to Committee at its May 16, 2011 Meeting.

Tuthill moved that the report be postponed. Seconded.

Lost. Yeas, 2; Nays, 11 as follows:

Yeas - Tuthill, Johnson.

Nays - Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Quincy, Glidden.

The report was adopted 4/29/2011. Yeas, 10; Nays, 3 as follows:

Yeas - Goodman, Hodges, Samuels, Gordon, Reich, Schiff, Lilligren, Colvin Roy, Quincy, Glidden.

Nays - Hofstede, Tuthill, Johnson.

Resolution 2011R-204, approving Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales License held by Amore Victoria, 1601 W Lake St, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2011R-204**

**By Glidden**

**Approving Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales License held by Amore Victoria, 1601 W Lake St.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor Class E with Sunday Sales License held by Amore Victoria, 1601 W Lake St:

1) Amore Victoria's hours of operation for the outdoor rooftop dining area will be 11:00 a.m. to 9:30 p.m., Monday through Thursday. Patrons must leave the rooftop dining area by 10:00 p.m. Hours of operation for the rooftop dining area on Fridays will be 11:00 a.m. to 10:30 p.m. Patrons must leave the rooftop dining area by 11:00 p.m. On Saturday and Sunday the rooftop dining area may be open at 9:30 a.m. Food and beverage service must stop by 10:30 p.m. on Saturday and all patrons must leave the rooftop area by 11:00 p.m. On Sunday food and beverage service must stop by 9:30 p.m. and patrons must leave the rooftop dining area by 10:30 p.m.

2) The rooftop dining area cannot have any radio, TV, stereo, CD player or any other type of amplified device or live entertainment.

3) The rooftop area will have a maximum premise occupancy of 88 patrons as per the business plan.

4) There will be no smoking permitted on the rooftop dining area.

5) There will be no obtrusive lighting on the rooftop dining area.

6) Amore Victoria will post signage in a conspicuous location to inform patrons to be quiet and respectful due to the location in proximity to the residential area as they are leaving and going to their vehicles.

7) There will be screening constructed on the south and west sides of the rooftop dining area which will conform to City of Minneapolis and State of Minnesota building codes and must be a minimum of six feet in height.

8) There will be no waiting area on the rooftop dining area.

Adopted 4/29/2011. Yeas, 10; Nays, 3 as follows:

Yeas - Goodman, Hodges, Samuels, Gordon, Reich, Schiff, Lilligren, Colvin Roy, Quincy, Glidden.

Nays - Hofstede, Tuthill, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery License held by Chicago Food & Deli, 2500 Chicago Av.

Adopted 4/29/2011.

Resolution 2011R-205, approving Business License Operating Conditions relating to the Grocery License held by Chicago Food & Deli, 2500 Chicago Av, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2011R-205**

**By Glidden**

#### **Approving Business License Operating Conditions relating to the Grocery License held by Chicago Food & Deli, 2500 Chicago Av.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery License held by Chicago Food & Deli, 2500 Chicago Av:

1) "No Trespassing" signs will be clearly posted on the exterior of the business. The business understands that pursuant to Minneapolis Code of Ordinances 259.250 (1) (i), it has a duty to take appropriate actions to prevent loitering on the business premises. Appropriate actions shall include, but are not limited to, staff requesting anyone observed loitering on the premises or within the immediate vicinity of the store entrance to leave and to utilize 911 to request police assistance to disperse any loiterers refusing to leave. Any individual observed for a period of time in excess of 15 minutes without making any purchases or engaging in any shopping or legitimate business activity or interaction may be deemed to be loitering. The business shall at all times cooperate with police and any prosecutorial agencies in the prosecution of any criminal activity occurring on the premises.



2) The business agrees to purchase all products sold on the premises from wholesale or retail operations recognized by the City of Minneapolis or State of Minnesota. Invoices for all products purchased within the 90 days will be maintained on the premises and made available to Business Licenses.

3) Former shareholder Burham Shire must be trespassed, may not be employed in any capacity or have a financial interest in the business. Mr. Shire's presence at the business will be immediate cause for revocation of the business license.

4) All customers under the age of 27 must provide proof of age through a photo identification card issued by a government authority for purchase of any alcohol or tobacco products. The business will supply either a calendar listing the date individuals turn 18 years of age or an identification card scanner. These items shall be used in every transaction involving the sale of alcohol and tobacco products.

5) The business understands Minneapolis ordinance prohibits the sale of single cigarettes.

6) The business agrees not to sell items that are commonly used by drug users and drug dealers. These items include plastic or zip lock bags smaller than sandwich size, blunts, glass pipes, steel wool products (specifically "Chore Boy"), tobacco/postal scales, paper rolling devices, tobacco pipes, and single use tobacco products. The business will not supply matches to non-tobacco customers.

7) Persons working at the business shall wear name tags at all times.

8) The business will maintain Workers' Compensation insurance at all times in compliance with Minnesota State Statutes. The business understands that they will notify the Business License Division any time there is a change in the requirement for worker's compensation insurance or a change in the policy.

9) The sale of goods considered to be formerly used items requires a secondhand goods license. The business will not sell secondhand goods without first obtaining the required license.

10) All license applications and renewals submitted by the business shall contain true and correct information concerning the ownership, conduct of the business or other requested information. The business understands that the submission of false or fraudulent information will be subject to revocation of all business licenses.

11) The business will comply with the policies and ordinances in regard to surveillance cameras. The surveillance camera shall be in operating order at all times.

12) The business will have operating hours as specified in the Minneapolis Zoning Codes, which states: Sunday through Thursday, 7 a.m. to 10:00 p.m. and Friday and Saturday 7:00 a.m. to 11:00 p.m.

Adopted 4/29/2011.

**RE&E** - Your Committee recommends approval of the following Business License Operating Condition relating to the Tobacco Dealer License held by Infinity Smokes, 814 Hennepin Av S:

a) The licensee agrees not to sell any items which are commonly used by drug users and drug dealers. These items include: Glass tubes (sometimes with roses inside), non-soap imbedded scrubbers such as Brillo or Chore Boys, small zip-lock type bags also known as jewelry bags, single razor blades, single use tobacco products, marijuana pipes, and cocaine grinders.

Adopted 4/29/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/29/2011.

Resolution 2011R-206, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-206**

**By Glidden**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274914):

**Off-Sale Liquor, to expire April 1, 2012**

R H M Inc, dba Gopher Liquor Store, 335 Monroe St NE

Allen & Allen LLC, dba Falls Liquor, 4604 Minnehaha Av

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2012**

RCI Entertainment (Minnesota) Inc, dba Rick's Cabaret, 300 S 3rd St

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2012**

Millennium Hotel Minneapolis, dba Millennium Hotel Minneapolis, 1313 Nicollet Mall (new corporate officer)

Minneapolis Society of Fine Arts, dba Artscape, 2400 3rd Av S (new manager)

Yendor Corp, dba Augies Cabaret, 424 Hennepin Av

Minikahda Club, dba Minikahda Club, 3205 Excelsior Blvd

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2012**

Crave Restaurant LLC, dba Crave, 825 Hennepin Av #222 (new business)

Jax Cafe, Inc, dba Jax Cafe, 1922 University Av NE

C & H Inc, dba U Garden Restaurant, 2725 University Av SE

Monello, LLC, dba Cause Spirits & Sound Bar, 3001 Lyndale Av S

**On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2012**

B B & D Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2012**

Landmarc Hospitality Group LLC, dba Normandy Kitchen, 405 S 8th St

M O R E Inc, dba Blarney Irish Pub and Grill, The, 412 14th Av SE

La Que Buena Inc, dba La Que Buena, 1609 E Lake St

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2012**

Muddy Waters LLC, dba Muddy Waters, 2933 Lyndale Av S (new business)

Sawatdee Inc, dba Sawatdee Restaurant, 607 Washington Av S #100

Trans Global T Inc, dba Bombay Bistro, 820 Marquette Av

DCJ LLC, dba The Sample Room, 2124 Marshall St NE

Peninsula Malaysian Cuisine LLC, dba Peninsula Malaysian Cuisine, 2608 Nicollet Av

Rainbow Chinese Restaurant Inc, dba Rainbow Chinese Restaurant, 2739 Nicollet Av

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2011**

Victoria Enterprises, dba Amore Victoria, 1601 W Lake St (expansion of premises)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2011**

Stadium Pizza & Diner LLC, dba Stadium Pizza, 207 Washington Av N (expansion of premises)

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2011**

Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St (internal transfer of shares)

**On-Sale Liquor Class E, to expire April 1, 2012**

Sapor Inc, dba Sapor, 428 Washington Av N

**On-Sale Wine Class A with Strong Beer, to expire April 1, 2012**

Music Box Theatre LLC, dba Music Box Theatre, 1407 Nicollet Av

Augsburg College, dba Augsburg College, 2211 Riverside Av

**On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2012**

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage, 215 E Hennepin Av

**On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2012**

Coffee Gallery Inc, dba Coffee Gallery, 1011 Washington Av S

Inversiones Pinguil LLC, dba Chimborazo Restaurant, 2851 Central Av NE  
EM Company Services Inc, dba Driftwood, 4415 Nicollet Av

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2012**

Chatterbox Enterprises Inc, dba Chatterbox Pub, 2229 E 35th St  
Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St  
Los Mestizos Inc, dba El Meson, 3450 Lyndale Av S  
El Norteno Market & Deli, dba El Norteno Market & Deli, 4000 E Lake St  
MDC Foods Inc, dba Curran's Restaurant, 4201 Nicollet Av  
La Chaya Inc, dba La Chaya Bistro, 4537 Nicollet Av  
Henpecked LLC, dba Kings, 4555 Grand Av S  
Ruizena Inc, dba Cafe Ena, 4601 Grand Av S

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2012**

La Fonda Mexican Eats Inc, dba Esquina Mexican Eats, 10 S 5th St  
Boughatsa Inc, dba Gardens of Salonica New Greek Cafe, 19 5th St NE  
Los Andes Restaurant LLC, dba Los Andes Restaurant, 317 W Lake St  
Modern Cafe Inc, dba Modern Cafe, 337 13th Av NE  
HM & Associates LLC, dba Las Ranas Mexican Grill, 349 E Lake St  
Vescio's Inc, dba Vescio's Italian Cafe, 406 14th Av SE  
Alma Tierra Inc, dba Alma, 528 University Av SE  
Bella Italia Restaurant Group LLC, dba Risotto, 610 W Lake St  
North Washington Cafe LLC, dba North Washington Cafe, 700 Washington Av N #100  
Kindee Inc, dba Kindee, 719 S 2nd St  
Taqueria Los Ocampo 4 Inc, dba Taqueria Los Ocampo, 809 E Lake St  
Delights of India LLC, dba Delights of India, 1123 W Lake St  
Chindian Inc, dba Chindian Cafe, 1500 E Hennepin Av  
Obento-Ya LLC, dba Obento-Ya Japanese Bistro, 1510 Como Av SE  
Pierre's Bistro Inc, dba Pierre's Bistro, 2221 W 50th St  
Seafood Palace Inc, dba Seafood Palace, 2523 Nicollet Av  
Tilia LLC, dba Tilia, 2726 W 43rd St  
Alternative Concepts Inc, dba Kitchen Window, 3001 Hennepin Av  
Ice Scream Inc, dba Glaciers Cafe, 3019 Minnehaha Av  
The Noodle Shop, Co - Minnesota, Inc, dba Noodles & Company, 3040 Excelsior Blvd  
Jakeeno's Inc, dba Jakeeno's Pizza and Pasta, 3555 Chicago Av  
Niki Mu Inc, dba Victors 1959 Cafe, 3756 Grand Av S  
Cocina Latina Inc, dba Cocina Latina, 3764 Nicollet Av  
Papa's Pizza and Pasta LLC, dba Papas Restaurant & Deli, 4159 Thomas Av N  
Lowbrow Inc, dba Lowbrow, 4244 Nicollet Av  
Clean Plate LLC, dba Corner Table, 4257 Nicollet Av  
Old School BBQ Inc, dba Famous Daves, 4264 Upton Av S  
Parkway Pizza Inc, dba Parkway Pizza, 4457 42nd Av S  
Atrium Restaurant Group Corp, dba Arezzo, 5057 France Av S  
Hot Plate LLC, dba Hot Plate, 5204 Bloomington Av  
Spring Is Here Dining LLC, dba In Season, 5416 Penn Av S  
Food Forward Inc, dba Cave Vin, 5555 Xerxes Av S

**Off-Sale Beer, to expire April 1, 2012**

Fatima Inc, dba Flag Food, 2820 E 42nd St  
Lunds Inc, dba Lunds Pharmacy, 55 University Av SE  
Metro Market on 5th Inc, dba Metro Market on 5th, 201 5th Av N  
Rahn William T & Deborah, dba Oak Grove Grocery, 218 Oak Grove St  
961 Group Inc, dba Winner on 46, 400 E 46th St  
Rod Petroleum Inc, dba Broadway Winner, 626 W Broadway  
Diamond Lake 1994 LLC, dba Cub Foods - Broadway, 701 W Broadway  
Campbell Adriana & Jose F Ramirezx, dba Cosecha Imports, 920 E Lake St #119  
Groceries on Harmon Inc, dba Groceries on Harmon, 1301 Harmon Pl

Aldi Inc, dba Aldi Foods #67, 1311 E Franklin Av  
Banat Inc, dba Wally's Corner Market, 1523 Como Av SE  
Simona Inc, dba Joe's Market & Deli, 1828 Como Av SE  
Aldi Inc, dba Aldi Foods #72, 2100 E Lake St #101  
Rod Petroleum Inc, dba Hark's Nicollet, 2401 Nicollet Av  
2606 Penn LLC, dba Penn Gas Stop, 2606 Penn Av N  
LMN Inc, dba More Value Foods, 2747 Bloomington Av  
3N Investments Inc, dba Dokken's Superette, 2809 E 42nd St  
Aldi Foods, dba Aldi Foods #68, 3120 Penn Av N  
Jova Foods Inc, dba Nokomis Market, 3319 E 54th St  
Paul's Bobby & Steve's Auto World LLC, dba Paul's Bobby & Steve's Auto World, 5801 Nicollet

Av

Diamond Lake 1994 LLC, dba Cub Foods, 5937 Nicollet Av

**On-Sale Beer Class E, to expire April 1, 2012**

Village Wok Restaurant Inc, dba Village Wok Restaurant, 610 Washington Av SE

**Temporary On-Sale Beer**

Boundary Waters Advisory Committee, dba Boundary Waters Advisory Committee, 309 Cedar Av

S.

Adopted 4/29/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 4/29/2011.

Resolution 2011R-207, granting applications for Business Licenses, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-207**

**By Glidden**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 29, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274914):

Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Market Distributor; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Mobile Food Vendor; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Motor Vehicle Repair Garage; Plumber; Pool Table; Public Market; Refrigeration Systems Installer; Residential Specialty Contractor; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Valet Parking; and Wrecker of Buildings Class B.

Adopted 4/29/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 4/29/2011.

**APRIL 29, 2011**

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Resolution 2011R-208, granting applications for Gambling Licenses, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-208**  
**By Glidden**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 274914):

**Gambling Exempt**

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Raffle May 14, 2011)

Minnesota Chorale, dba Minnesota Chorale, 528 Hennepin Av #407 (Raffle May 14, 2011)

Boys & Girls Club of the Twin Cities, dba Boys & Girls Club of the Twin Cities, 6500 Nicollet Av S #201 (Raffle May 26, 2011)

Church of St. Cyril of Minneapolis, dba Church of St. Cyril of Minneapolis, 1315 2nd St NE (August 20, 2011)

MSAIA Architectural Foundation, dba MSAIA Architectural Foundation, 275 Market St #54 (Raffle November 10, 2011)

The Woman's Club of Minneapolis, dba The Woman's Club of Minneapolis, 410 Oak Grove St (Raffle November 12, 2011).

Adopted 4/29/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant License held by Village House Que Viet, 2211 Johnson St NE.

Adopted 4/29/2011.

Resolution 2011R-209, approving License Settlement Conference recommendations relating to the Restaurant License held by Village House Que Viet, 2211 Johnson St NE, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-209**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the Restaurant License held by Village House Que Viet, 2211 Johnson St NE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on March 18, 2011 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee

a) was operating the restaurant without a Certified Food Manager on staff or on site;

b) did not have test strips on-site to monitor sanitation levels resulted in Environmental Health citations;

c) has outstanding Environmental Health citations, Pollution Control Annual Billing fees, and False Alarm fines;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Restaurant License issued to Village House Que Viet shall be subject to the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1) Village House Que Viet staff will enter the self-audit program run through Environmental Health & Food Safety. This training is free and conducted together with the University of Minnesota Extension Service. Que Viet has been contacted by the project coordinator and is currently enrolling in the program. An ongoing self-auditing will be part of this training.

2) The remaining fine amount of \$1,000 will be paid by April 22, 2011.

Adopted 4/29/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Ronald Folger for the property located at 3622 Humboldt Av N, and a hearing having been held before an administrative hearing officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends concurrence with the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (8) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 4/29/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by David R. Busch and DRB #24, LLC for the property located at 1424 Fremont Av N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 4/29/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Leana and Tyrone Reese for the property located at 3822 Lyndale Av N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 4/29/2011.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:**

**T&PW** - Your Committee, having under consideration the Traffic Signal Control System Project, now recommends that the proper City officers be authorized to amend Contract C-27175 with Egan Company, increasing the contract by \$18,035.20, for a revised contract total of \$2,953,165.49, to allow for an increase in quantities of fiber optic cable and conduit. No additional appropriation required.

Adopted 4/29/2011.

**T&PW** - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to execute three agreements with the State of Minnesota Commissioner of Transportation and the Soo Line Railroad Company (d/b/a Canadian Pacific Railway) in the total amount of \$700,580 for installation of railroad crossing signal systems on 26th Ave N, 22nd Ave N, and 17th Ave N. No additional appropriation required.

Adopted 4/29/2011.



APRIL 29, 2011

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Resolution 2011R-210, authorizing the execution of agreements with the State of Minnesota and the Soo Line Railroad Company for the installation of railroad crossing signal systems, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-210**  
**By Colvin Roy**

**Authorizing the execution of agreements with the State of Minnesota and the Soo Line Railroad Company for the installation of railroad crossing signal systems.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute Agreement No 93315 [MN Proj. RRS 2712(027)], No 93318 [MN Proj. RRS 2712 (030)], and No 93316 [MN Proj. RRS 2712 (028)] with the State of Minnesota Commissioner of Transportation and the Soo Line Railroad Company (d/b/a Canadian Pacific Railway) in the total amount of \$700,580 for installation and maintenance of railroad crossing signal systems on 26th Ave N (MSAS 301), 22nd Ave N (M2275), and 17th Ave N (MSAS 310).

Be It Further Resolved that the City of Minneapolis appoints the Commissioner of Transportation as agent for the City to supervise said projects and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The City's share of the cost shall be 10 percent of the total signal cost.

Be It Further Resolved that the proper City officers be authorized to execute said agreement and any amendments thereto for and on behalf of the City.

Adopted 4/29/2011.

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2011 Street Resurfacing Program, 49th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5218.

Adopted 4/29/2011.

Resolution 2011R-211, designating the locations and streets to be improved in the 2011 Street Resurfacing Program, 49th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5218, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-211**  
**By Colvin Roy**

**2011 STREET RESURFACING PROGRAM**  
**49TH AVE N STREET RESURFACING PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 5218**

**Designating the improvement of certain existing streets in the 2011 Street Resurfacing Program at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing-related improvements as needed:



49th Ave N from Xerxes Ave N to approximately 250 feet west of the west right-of-way line of Humboldt Ave N.

Adopted 4/29/2011.

**T&PW** - Your Committee, having received a cost estimate of \$412,240 for street resurfacing improvements and a list of benefited properties for certain locations in the 49th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5218, as designated by Resolution 2011R-211 passed April 29, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that a public hearing be held on June 21, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/29/2011.

**T&PW** - Your Committee, having under consideration the 25th Ave SE (4th St SE to Cul-de-Sac/Proposed Granary Rd) Street Construction, Street Lighting, Sanitary Sewer and Water Main Project No 6734, now recommends passage of the accompanying resolution amending Resolution 2011R-103 by cancelling the proposed street lighting portion of the improvements to be made in the 25th Ave SE Project.

Your Committee further recommends that a public hearing be held on May 17, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the street construction, sanitary sewer and water main project at the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/29/2011.

Resolution 2011R-212, amending Resolution 2011R-103 entitled "25th Ave SE (4th St SE to Cul-de-Sac/Proposed Granary Rd) Street Construction and Street Lighting Projects, Special Improvement of Street No 6734. Designating the improvement of certain existing streets at the locations described hereinafter", passed March 10, 2011, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-212**

**By Colvin Roy**

**Amending Resolution 2011R-103 entitled "25th Ave SE (4th St SE to Cul-de-Sac/Proposed Granary Rd) Street Construction and Street Lighting Projects, Special Improvement of Street No 6734. Designating the improvement of certain existing streets at the locations described hereinafter", passed March 10, 2011.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

**25TH AVE SE (4TH ST SE TO CUL-DE-SAC/PROPOSED GRANARY RD)  
STREET CONSTRUCTION AND STREET LIGHTING PROJECTS  
SPECIAL IMPROVEMENT OF STREET NO 6734**

**Designating the improvement of certain existing streets at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following street within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed ~~and by installing ornamental street lights together with all necessary appurtenances and work related thereto:~~

25th Ave SE from 4th St SE approximately 994 feet northeasterly to its terminus in a Cul-de-Sac/ proposed Granary Rd (as more particularly described and shown in the plans on file in the office of the City Engineer).

Adopted 4/29/2011.

**The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following report:**

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7412 from Martin Marietta Materials, for an estimated annual expenditure of \$79,500.00, to furnish and deliver gray/black Class A aggregate to the City of Minneapolis Public Works Street Division as needed through December 31, 2011.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 4/29/2011.

**The WAYS & MEANS/BUDGET Committee submitted the following reports:**

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 4/29/2011.

Absent - Hofstede.

Resolution 2011R-213, authorizing settlement of legal matters of *Collins Electrical Systems vs. City of Minneapolis, et al.*, and *Thomas Lyons vs. Monica Boelter, Lance Faust, Christopher Guelcher, and City of Minneapolis*, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-213**

**By Hodges**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of:

a) *Collins Electrical Systems vs. City of Minneapolis, et al.*, by payment to the City of Minneapolis in the amount of \$97,000 from Collins Electrical Systems/Egan Company in settlement of the City's claims; and

b) *Thomas Lyons vs. Monica Boelter, Lance Faust, Christopher Guelcher, and City of Minneapolis*, by payment of \$9,000 to Thomas Lyons and his attorney, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlements.

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to further amend the Master Agreement for Legal Services between the City of Minneapolis and Lockridge, Grindal, Nauen, P.L.L.P. (C-27566), so that the total compensation and reimbursable expenses may be increased by an additional \$300,000 for a total amount of \$1,200,000 for the term of the Master Agreement.

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** – Your Committee, having under consideration Hennepin County's Electronic Proprietary Geographic Digitized Database (EPDB), now recommends that the proper City officers be authorized as follows:

a) use of Hennepin County's agreement form to execute the license agreement for the City to use the County's EPDB system at no cost for 2011; and

b) execution of the no cost agreement for up to 5 years, allowing the City to use the County's database in the course of conducting business. No additional appropriation required.

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** - Your Committee having under consideration the City of Minneapolis Write Off Policy and Minnesota Statute §541.05 regarding statute of limitations for collections, now recommends authorizing the proper City officers to consider the list of 14 unpaid invoices (Petr No 274925), totaling \$439,858.62 to be uncollectible and written off as bad debt.

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** – Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the 2010 (3rd and 4th Quarter) and 2011 (1st Quarter) list of donations valued under \$15,000, as set forth in Petr No 274925 on file in the Office of the City Clerk.

Adopted 4/29/2011.

Absent - Hofstede.

#### **RESOLUTION 2011R-214**

**By Hodges**

**Authorizing the acceptance of donations made to the City of Minneapolis, valued under \$15,000.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donations made in to the City of Minneapolis as follows:

a) 2010 (3rd and 4th Quarter); and

b) 2011 (1st Quarter).

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** – Your Committee, having under consideration an IBM First-of-a-Kind (FOAK) Grant Program which brings together IBM researchers and clients to test new technologies on real business problems and growth opportunities, now recommends that the proper City officers be authorized to accept the FOAK grant in the amount of \$1,500,000 from IBM, which requires a 10% City match in the amount of \$150,000, to be funded by Regulatory Services Department.

Further, passage of the accompanying resolution appropriating funds to the City Coordinator's Office.

Adopted 4/29/2011.

Absent - Hofstede.

**RESOLUTION 2011R-215**

**By Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the City Coordinator - Grants Other Fund (01600-8400100) by \$1,500,000.

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** - Your Committee, having under consideration the Department of Regulatory Services' Nuisance Abatement Revolving Fund balance, now recommends increasing expense appropriations in the revolving fund by \$2,400,000 in 2011 and again in 2012 for nuisance abatement related activities, as follows:

1. Land Management System
  - a. The City Attorney has advised that the City could potentially justify funding a percentage of the Land Management System that is directly or indirectly attributable to the Regulatory Services Department's nuisance abatement efforts. Regulatory Services has conservatively estimated that 30% of the Land Management System can be funded from the nuisance abatement revolving fund based on nuisance inspections as a percent of total inspections, and on nuisance Kiva users as a percent of total Kiva users. Thirty percent of the total project of \$12 million is \$3.6 million. Three million has already been provided to the project, so this allows an increased appropriation of \$600,000.
  - b. Several analyses by Regulatory Services have found that at least 30% of the Land Management System cost is eligible for payment from the revolving fund based on a direct correlation with the nuisance abatement function of the department. In summary, the analyses indicate the following:
    - i. 34% of all KIVA users for 2010 were responsible for nuisance abatement activities
    - ii. 34% of inspections tracked in KIVA for all users in 2010 were for nuisance issues.
    - iii. 50% of inspections conducted by Housing Inspectors were for nuisance issues.
    - iv. 56% of orders issued by Housing Inspectors were for nuisance issues.
2. Electronic photo storage is 50% eligible as the photos that are stored are for Housing Inspections. The total unfunded project for 2011 and 2012 is estimated at \$200,000 of which 50% is \$100,000.
3. Mobile Housing is 50% eligible as the program is for Housing Inspections. The total unfunded project for 2011 and 2012 is \$88,000, of which 50% is \$44,000.
4. The Aldrich Facility project is 12% eligible because 12% of Construction Code Services inspections are for emergency demolitions and code compliances, which are considered to be nuisance abatements. The full project cost is \$750,000, of which 12% is \$90,000.
5. \$100,000 for restoration agreement and rehabilitation activities.
6. \$2,000,000 for demolition and restoration agreement and rehabilitation of property during 2011 and 2012. Demolitions have had a very low collection rate due to tax forfeitures. Revolving fund demolitions had a collection rate in 2010 of 18%. Restoration agreements are not reimbursable, but provide added property tax once the property is re-occupied and the market value rises. Also, building permits are typically required. Demolition and restoration agreement activities are 100% eligible as they are nuisance abatements.
7. \$1,000,000 for interns, temporaries, feeder positions and stepups during 2011 and 2012 that work on nuisance abatement-related initiatives. Interns, feeder positions, temporaries and stepups are 100% eligible when they work on nuisance abatement activities.
8. \$416,000 for increased nuisance abatement contracts in 2011 and 2012 due to the nuisance abatement initiative, which is 100% eligible.
9. \$30,000 for environmental nuisance monitoring equipment, which is 100% eligible.

10. \$100,000 for a technology assistant in 2011 and 2012 (\$50,000 per year) to assist the Land Management Project Manager with the project.  
30% of the Land Management System is eligible, and the project manager plus assistant total is \$170,000 each year and therefore \$51,000 is eligible from the revolving fund.
11. \$200,000 for the MPD police officer in the Problem Properties Unit (\$100,000 each year for 2011 and 2012). The officer works 100% of the time on nuisance abatement issues, so it is 100% eligible.
12. \$120,000 for credit card fees to Regulatory Services (\$60,000 each year for 2011 and 2012). Department credit card fees are estimated at \$240,000. Of that total, 25% is estimated to be revolving fund expenses, or \$60,000. 2010 actual revenues for the Revolving Fund as compared to the General Fund were 25%.

The total of the above one-time requests is \$4,800,000. This plan should reduce the reserve down to 25% by the end of 2012. The 25% balance is recommended, since it is predicted that declining revenue trends due to reduced collection rates will continue and the exhaustion of grant funding will necessitate use of the fund balance.

Further, passage of the accompanying resolution appropriating funds in the Department of Regulatory Services for nuisance abatement.

Adopted 4/29/2011.

Absent - Hofstede.

#### **RESOLUTION 2011R-216**

**By Hodges**

#### **Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the following Department of Regulatory Services Funds:

- a) Licenses & Consumer Services (01600-8350100) by \$20,000;
- b) Environmental Services (01600-8350600) by \$30,000;
- c) Administration (01600-8350700) by \$100,000;
- d) Construction Code Services (01600-8350900) by \$290,000; and
- e) Housing Inspections (01600-8351000) by \$1,960,000.

Adopted 4/29/2011.

Absent - Hofstede.

**W&M/Budget** - Your Committee, having under consideration the establishment of a 2012 Property Tax Relief Account ("PTRA"), now recommends the following:

a) amend the City Financial Policies to allow for the creation of a new account within the General Fund entitled "2012 Property Tax Relief Account", in which unspent flexible dollars can be set aside to substitute for future levied general fund dollars as a means of providing tax relief to Minneapolis residents.

b) passage of the accompanying resolution amending the 2011 Capital Improvement Appropriation Resolution 2010R-599 to decrease the residential paving program by \$2,800,000 (reducing the general fund transfer) and increase the reserve for the 2012 Property Tax Relief Account by \$2,800,000.

c) passage of the accompanying resolution amending the 2011 General Appropriation Resolution 2010R-598, Section entitled "Changes to State Aids in the Budget" as follows:

1. Deleting the language "proposed Governor's budget in February 2011" and inserting in lieu thereof "the final appropriations for Local Government Aid adopted by the 87th Minnesota Legislature"; and

2. Amending footnote "hh", to reduce item #2 (Public Works City Paving program) from \$9 million to \$6.2 million and insert \$2.8 million funding for the 2012 Property Tax Relief Account as item #5 into the waterfall of scheduled appropriation reductions triggered in the event actual LGA received by the City is less than certified LGA.

Adopted 4/29/2011.

Absent - Hofstede.

**RESOLUTION 2011R-217**

**By Hodges**

**Amending Resolution 2010R-599 entitled "amending the 2011 - 2015 Five Year Capital Program and fixing the maximum amounts for 2011 to be expended by the various funds under the jurisdiction of the City Council", passed December 13, 2010.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended to decrease the residential paving program (PV1156) by \$2,800,000 (reducing the general fund transfer); and to increase the reserve for the 2012 Property Tax Relief Account by \$2,800,000.

**9010937 STREET PAVING CAPITAL**

PV056 2011 Asphalt Pavement Resurfacing Program (PV1156) (a) ~~4,200~~ 1,400 General Fund Transfer

Adopted 4/29/2011.

Absent - Hofstede.

(Republished 5/21/2011)

**RESOLUTION 2011R-218**

**By Hodges**

**Amending Resolution 2010R-598 entitled "Fixing the maximum amounts to be expended by the various departments for 2011 from the various funds under the jurisdiction of the City Council for which the City Council levies taxes and fees:", passed December 13, 2010.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by amending Section entitled "Changes to State Aids in the Budget" to read as follows:

***"Changes to State Aids in the Budget"***

If the City receives less than the anticipated amount of state aids as ~~proposed in the Governor's budget in February 2011~~ the final appropriations for Local Government Aid adopted by the 87th Minnesota Legislature, the following changes will occur:

ff) Any reduction to the Market Value Homestead Credit shall reduce the allocation to the pension management plan by a like amount.

gg) Any reduction to the July 30, 2010 certified LGA will be distributed proportionally among the City's General fund and the independent boards, as outlined in the City's financial policies.

hh) In addition to the allocations in paragraph (h),

1. If the proposed LGA appropriation for Minneapolis is less than the certified \$87.5 million but more than \$82.4 million, the pension management plan shall be reduced by the amount that is the difference between the certified amount and the final appropriation.



2. If the proposed LGA appropriation for Minneapolis is reduced below \$82.4 million, then, in addition to the reductions in paragraph c, clause 1, the appropriations for the following Public Works programs shall be reduced proportionally, for a maximum reduction of \$96.2 million in total: Alley Renovation Program, Asphalt Resurfacing Program; Major Pavement Maintenance; and High Volume Corridor Reconditioning.
3. If the proposed LGA appropriation for Minneapolis is below ~~\$73.4~~ 76.2 million, then, in addition to the reductions in paragraph c, clauses 1 and 2, the following reductions shall occur:
  - a. 311, the appropriation shall be reduced by \$140,000 for voice recognition software;
  - b. BIS, the appropriation shall be reduced by \$265,000 for securing Finance and Human Resources data; and
  - c. Public Works, the appropriation shall be reduced by \$330,000 for regional collaborative transportation planning efforts.
4. If the proposed LGA appropriation for Minneapolis is below ~~\$72.665~~ 75.465 million, then, in addition to the reductions in paragraph c, clauses 1-3, an additional amount up to \$2 million shall be reduced from the pension management plan.
5. If the proposed LGA appropriation for Minneapolis is below \$73.465 million, then, in addition to the reductions in paragraph c, clauses 1-4, an additional amount up to \$2.8 million shall be reduced from the Property Tax Relief Account.
56. If the proposed LGA appropriation for Minneapolis is below \$70.66 million, then, in addition to the reductions in paragraph c, clauses 1-45, the Fire Department appropriation shall be reduced to eliminate the \$700,000 one-time contingency funding.
67. If the proposed LGA appropriation for Minneapolis is below \$69.96 million, then in addition to the reductions in clauses 1-56, \$1.3 million in one-time initiatives including \$400,000 in Fire Department backfill and \$500,000 in Police Department backfill will be eliminated.
78. If the LGA appropriation is below \$68.66 million, then, in addition to the reductions in clauses 1-67, reductions in funding to the Minneapolis Park board in the amount of \$950,000 and \$81,000 to the Municipal Building Commission will be made per the City's Adopted Financial Policies.
89. If the LGA appropriation is below \$67.63 million, then, in addition to the reductions in clauses 1-78, reductions in funding to departments in the amount of \$2.04 million will be made to recapture savings generated from the City's settlement of its health care contract.
910. If the LGA appropriation is below \$65.59 million, then, in addition to the reductions in clauses 1-89, the Finance Officer is directed to reduce department appropriations in amounts equal to savings from the health care contract."

Adopted 4/29/2011.

Absent - Hofstede.

(Republished 5/21/2011)

**The ZONING & PLANNING Committee submitted the following reports:**

**Z&P** - Your Committee, having under consideration the appeal filed by Cynthia Deslauriers from the decision of the Board of Adjustment upholding the Zoning Administrator's interpretation that the use of the property at 3745-47 Minnehaha Ave is a sexually-oriented use (massage and sauna) and is in violation of the zoning code in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District, now recommends that said appeal be denied and the decision of the Board of

Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 4/29/2011.

**Z&P** - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Samuel J. Hewson House at 2008 Pillsbury Ave be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Samuel J. Hewson House as a local landmark.

Adopted 4/29/2011.

Resolution 2011R-219, designating the Samuel J. Hewson House at 2008 Pillsbury Avenue as a historic landmark, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-219**

**By Schiff**

**Designating the Samuel J. Hewson House at 2008 Pillsbury Avenue as a Historic Landmark.**

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on April 5, 2011 and recommended to the Standing Committee on Zoning and Planning that the Samuel J. Hewson House at 2008 Pillsbury Avenue become a landmark; and

Whereas, the Samuel J. Hewson House local designation will include the exterior of the principal structure, portions of the interior of the principal structure, the exterior of the garage, and the property. The interior designation of the principal structure shall include protection of the following areas: foyer, main hall, main living room, parlor, dining room, smoking room, and staircase; and

Whereas, the Samuel J. Hewson House local designation meets Local Designation Criterion Three: the property contains or is associated with distinctive elements of city and neighborhood identity; Local Designation Criterion Four: the property embodies the distinctive characteristics of an architectural style; and Local Designation Criterion Six: the property exemplifies works of master architects, a master interior designer, and a master builder; and

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on March 9, 2011; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated March 3, 2011; and

Whereas, on April 21, 2011 the Standing Committee on Zoning and Planning recommends designation as a historic landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Samuel J. Hewson House is hereby designated as a Landmark.

Adopted 4/29/2011.

**Z&P** - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Charles B. Lyon House at 425 Oak Grove St be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Charles B. Lyon House as a local landmark.

Adopted 4/29/2011.

Resolution 2011R-220, designating the Charles B. Lyon House at 425 Oak Grove Street as a historic landmark, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-220**  
**By Schiff**

**Designating the Charles B. Lyon House at 425 Oak Grove Street as a Historic Landmark.**

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on April 5, 2011 and recommended to the Standing Committee on Zoning and Planning that the Charles B. Lyon House at 425 Oak Grove Street become a landmark; and

Whereas, the recommended local designation of the Charles B. Lyon House will include the property and exterior of the principal structure; and

Whereas, the Charles B. Lyon House local designation meets Local Designation Criterion Three: the property contains or is associated with distinctive elements of city and neighborhood identity; Local Designation Criterion Four: the property embodies the distinctive characteristics of an architectural style; and Local Designation Criterion Six: the property exemplifies works of a master builder.

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on February 24, 2011; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated February 10, 2011; and

Whereas, on April 21, 2011 the Standing Committee on Zoning and Planning recommends designation as a historic landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Charles B. Lyon House is hereby designated as a Landmark.

Adopted 4/29/2011.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Ken Stone on behalf of Saint Mary's University (BZZ-5093) to rezone the property at 2540 Park Ave from OR2 to the OR3 Institutional Office Residence District to permit expansion of an existing university campus and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/29/2011.

Ordinance 2011-Or-045 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2540 Park Ave to the OR3 District, was adopted 4/29/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2011-Or-045**  
**By Schiff**  
**1st & 2nd Readings: 4/29/2011**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

APRIL 29, 2011

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The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 18, AUDITOR'S SUBDIVISION NUMBER 212, Hennepin County, Minnesota, (2540 Park Ave - Plate 20) to the OR3 District.

Adopted 4/29/2011.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Ken Stone on behalf of Saint Mary's University (BZZ-5092) to rezone the property at 2501 and 2505 Portland Ave S to add the TP Transitional Parking Overlay District to permit a principal parking lot serving as accessory parking for Saint Mary's University and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/29/2011.

Ordinance 2011-Or-046 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2501 and 2505 Portland Ave S to add the TP Transitional Parking Overlay District, was adopted 4/29/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2011-Or-046**

**By Schiff**

**1st & 2nd Readings: 4/29/2011**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 1, BORNHOLDT'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota. Lots 2, 3, 4, 5, 6, BORNHOLDT'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota. Lots 12, 13, AUDITOR'S SUBDIVISION NUMBER 212, Hennepin County, Minnesota, (2501 and 2505 Portland Ave S - Plate 20) to add the TP Overlay District.

Adopted 4/29/2011.

**REPORT FROM THE AUDIT COMMITTEE**

**Audit** - The Minneapolis Audit Committee hereby transmits the audit entitled Minneapolis Police Department – Scheduling & Time Reporting, which was received and ordered published on Tuesday, April 26, 2011, with the recommendation that the City Council refer the audit finding (#7) related to proposed improvements to the labor agreement between the City of Minneapolis and the Police Officers Federation of Minneapolis to the Minneapolis Executive Committee for its consideration.

Adopted 4/29/2011.

**RESOLUTION**

Resolution 2011R-221, honoring Public Service Recognition Week, 2011, was adopted 4/29/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-221**

**By Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,  
Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges**

**Honoring Public Service Recognition Week, 2011.**

Whereas, public employees at the federal, state, and local level throughout the nation provide essential services which make America and her communities stronger, safer places to live, work, and raise families, protect and serve the welfare of her citizens, and advance the common good; and

Whereas, American's citizens benefit from the vast array of public goods and services that are provided each day by public employees who are committed to the tenets of good government and public administration, which includes cost-efficient, effective delivery of high-quality services that meet the needs and priorities of the community being served; and

Whereas, public service is a noble calling, one that enables the community to benefit from the gifts and talents of the diverse men and women who become public servants as a means of contributing to the present and future well-being of the community; and

Whereas, May 1 through 7, 2011, has been designated Public Service Recognition Week to recognize and honor the contributions of the nation's federal, state, and local government employees, who are the unsung heroes doing the work that keeps our local communities, states, and nation operating;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That all public servants at each level of government are hereby commended for their outstanding contributions to this great nation and to its many communities during Public Service Week and throughout the year.

Be It Further Resolved that employees of the City of Minneapolis are especially recognized and offered the sincere gratitude and appreciation of the Mayor and City Council, on behalf of the people of this community, for their daily efforts to preserve, protect, and promote the health, safety, and welfare of residents, businesses, and visitors of Minneapolis.

Adopted 4/29/2011.

**NEW BUSINESS**

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pedicabs* (amending various pedicab regulations including driver requirements, hours of operation, and vehicle specifications).

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, as follows:

- a) adding bicycle lanes to the list of prohibited parking and stopping places;
- b) disallowing a parking and stopping exception for vehicles receiving and discharging passengers in bicycle lanes.

**APRIL 29, 2011**

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Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General*, adding bicyclists to the definition of traffic.

Lilligren moved to adjourn. Seconded.  
Adopted upon a voice vote 4/29/2011.

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 5/03/2011  
Official Posting: 5/06/2011  
Correction: 5/27/2011  
10/6/2011